

REMARKS

Claims 1-54, 57 and 59-67 are pending in this application. By this Amendment, claim 1 is amended to incorporate the allowable subject matter of claim 55, claim 27 is amended to incorporate the subject matter of claim 56, claim 47 is amended to incorporate the allowable subject matter from claim 58, claim 15 is amended for antecedent basis, claims 57 and 60 are amended to correct their dependency and claims 65-67 are added. Claims 55, 56 and 58 are canceled. New claims 65-67 recite features corresponding to previously submitted claims. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration because the amendments incorporate allowable subject matter and add new dependent claims with previously considered features; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The courtesies extended to Applicants' representative by Examiner Bowers at the telephone interview held January 25, 2011, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

Applicants thank the Examiner for indicating in the Office Action that claims 51, 55 and 58 recite allowable subject matter. Applicants also thank the Examiner for indicating during the telephone interview that claim 64, as amended, recites allowable subject matter.

Claims 27-46, 56 and 61-63 have been withdrawn from consideration. Claim 27 is a method claim with features similar to the apparatus of claim 1. Because claim 1 recites allowable subject matter, Applicants respectfully request rejoinder of claims 27-46 and 61-63. Rejoinder of process claims is proper when the process claims either depend from or require all the limitations of an allowable claim. See MPEP §821.04(B).

The Office Action objects to claim 60 for allegedly being an improper dependent claim. By this Amendment, claim 60 has been amended to depend from claim 57, obviating the rejection.

The Office Action rejects claims 1-8, 11-22, 26, 47-54, 57, 59 and 60 under 35 U.S.C. §103(a) over Hassanein (U.S. Patent No. 6,046,046) in view of Dennehey (U.S. Patent No. 5,462,416). This rejection is moot in light of incorporating the allowable subject matter from claims 55 and 58 into claims 1 and 47, respectively.

The Office Action rejects claims 9 and 10 under 35 U.S.C. §103(a) over Hassanein in view of Dennehey and Toledo-Pereyra (U.S. Patent No. 4,186,565). This rejection is moot in light of incorporating allowable subject matter into claim 1.

The Office Action rejects claims 23-25 under 35 U.S.C. §103(a) over Hassanein in view of Dennehey and Fahy (U.S. Patent No. 5,586,438). This rejection is moot in light of incorporating allowable subject matter into independent claim 1.

The Office Action rejects claim 64 under 35 U.S.C. §103(a) over Fahy in view of Hassanein. Applicants respectfully traverse the rejection.

Claim 64 recites "a second set of tube segments held by a tube frame at respective predetermined positions relative to and outside of the portable housing." As agreed during the telephone interview, the applied references fail to disclose these features because none of the applied references disclose, or would have rendered obvious, the above-quoted features of claim 64. In particular, the applied references fail to disclose, and would not have rendered

obvious, a tube frame in conjunction with the additional features of claim 64. Applicants respectfully request withdrawal of the rejection.

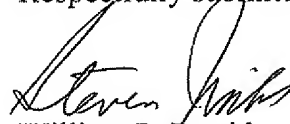
Claims 65-67 are also patentable at least by reason of their dependency from independent claim 64, as well as for the additional features they recite.

Also, each of claims 1, 47 and 64 recite "the portable housing, the first set of tube segments, and the second set of tube segments form at least part of a closed fluid circuit." As would be understood by one of ordinary skill upon reading the specification and claims, the closed fluid circuit can be formed in at least two ways. First, the portable housing, the first set of tube segments, and the second set of tube segments can form a closed fluid circuit because these features alone, or in combination with other structure, can be a closed fluid circuit. That is, each of the tube segments and housing (and potentially additional structure) can be closed. Second, the portable housing, the first set of tube segments, and the second set of tube segments (and potentially additional structure) can form a close fluid circuit because an organ can be included in the fluid circuit and the organ will "close" the fluid circuit.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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